

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ATHEAL PIERCE,

Debtor/Appellant,

vs.

CHAPTER 13 CASE NO.  
05-31205-DHW-13

CURTIS C. REDING,  
Chapter 13 Trustee,

Appellee,

ON APPEAL TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF ALABAMA FROM THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

TRUSTEE'S MOTION TO DISMISS APPEAL

COMES NOW, the Trustee in the above styled cause, Appellee in the above-referenced appeal, by and through the undersigned counsel, and moves this Honorable Court to dismiss the Debtor/Appellant's appeal and as grounds therefore states as follows:

1. The debtor's appeal is not timely filed pursuant to *Rule 8002 Federal Rules of Procedure*.
2. The debtor did not file his designation for the record on appeal in a timely manner pursuant to *Rule 8006 Federal Rules of Procedure*.
3. The debtor did not pay the filing fee for the appeal to the Clerk of the Court.

Respectfully submitted this 20<sup>th</sup> day of October 2005.

CURTIS C. REDING, JR.  
STANDING CHAPTER 13 TRUSTEE

BY: /s/ Sabrina L. McKinney  
SABRINA L. MCKINNEY (MCK041)  
Alabama State Bar #ASB-3162-I71S  
STAFF ATTORNEY FOR THE TRUSTEE

A

Office of the Standing Chapter 13 Trustee  
166 Commerce Street, Suite 202  
P.O. Box 173  
Montgomery, AL 36101-0173  
Phone: 334-262-8371  
Fax: 334-264-6127  
Email: [mckinneys@ch13mdal.com](mailto:mckinneys@ch13mdal.com)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have mailed a copy of the foregoing TRUSTEE'S MOTION TO DISMISS APPEAL upon the following listed parties by placing a copy of same in the United States Mail, postage pre-paid and properly addressed this 20th day of October 2005.

/s/ Sabrina L. McKinney  
SABRINA L. MCKINNEY

Atheal Pierce, Pro Se  
112 Norwood Blvd.  
Montgomery AL 36117

Charles N. Parnell, Esq. &  
Britt Batson Griggs, Esq.  
Parnell & Crum, P.A.  
P O Box 2189  
Montgomery AL 36102-2189

Teresa R. Jacobs  
Bankruptcy Administrator  
U.S. Bankruptcy Court  
Frank M. Johnson Federal Courthouse Annex  
One Church Street  
Montgomery AL 36104